United Nations CEDAW/C/GUA/5

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
17 January 2002
English
Original: Spanish

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States parties

Guatemala*

* For the combined initial and second periodic reports submitted by the Government of Guatemala, see CEDAW/C/GUA/1-2 and CEDAW/C/GUA/1-2/Amend.1, which were considered by the Committee at its thirteenth session. For the combined third and fourth periodic reports submitted by the Government of Guatemala, see CEDAW/C/GUA/3-4.

02-31482 (E) 160702 220702

Presidential Secretariat for Women (SEPREM)

Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH)

Fifth periodic report

Implementation of the Convention on the Elimination of All Forms of Discrimination against Women

Guatemala, December 2001

Foreword

This document is the fifth report submitted by Guatemala on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It provides updated information on the level of compliance with the Convention and the action taken by the Government with respect to the status of Guatemalan women, in terms of access to education, health, jobs and land, and on measures to combat sexual harassment, violence and other forms of discrimination prior to the Committee's review.

It is the result of joint work undertaken by the Presidential Secretariat for Women (SEPREM) and the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) and reflects the actions carried out by governmental bodies and civil society organizations.

The document contains information for the period from January 1999 to November 2001, subject to limitations on obtaining quantitative and qualitative indicators that better reflect the status of women. While efforts are being made in this regard, there is still quantitative information that is not disaggregated by sex. We hope, nonetheless, that this document reflects the progress made by our country in enhancing the status of women and overcoming the discriminatory practices that remain.

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Introduction

Guatemala is submitting to the Committee its fifth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, covering the period from January 1999 to November 2001. This report details the most significant achievements made under the various thematic areas of the Convention and also provides a summary of the Committee's comments on the initial and second periodic reports.

In December 1998, Guatemala submitted its combined third and fourth reports, covering the period of the negotiations aimed at ending the internal armed conflict and the subsequent action taken to comply with the commitments made in the Peace Agreements, especially those containing specific commitments relating to women, namely, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, the Agreement on Social and Economic Aspects and the Agrarian Situation, the Agreement on Identity and Rights of Indigenous Peoples and the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society.

This report contains an overview of the situation of Guatemalan women and information on the action taken by the Government and civil society to overcome the unequal treatment of women and men in education, health care, jobs and access to land, along with measures to combat sexual harassment, violence and other forms of discrimination.

We recognize that there are structural and cultural obstacles to achieving full equality in practice, but as society becomes more informed about women's human rights and the inequalities that exist, it will become aware of the situation in which more than half the Guatemalan population lives and progress will be made towards achieving the common good.

1. Compliance and recommendations concerning the initial and second periodic reports

The following are among the actions taken pursuant to the recommendations concerning articles of the Convention:

Article 5

As indicated in the combined third and fourth reports, the National Office for Women's Affairs developed a methodology for eliminating sexist roles and stereotypes in teaching materials and school textbooks. A multisectoral commission was created by Governmental Agreement No. 711-93.

Work in this area is currently being undertaken in the context of the education reform launched pursuant to the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, under which educational materials are being revised with a view to eliminating sexist stereotypes.

With regard to violence against women, it was reported that the Act on the Prevention, Punishment and Eradication of Domestic Violence was promulgated in accordance with Decree No. 78-96; during 2000 and 2001, its implementing regulations were enacted and the bodies responsible for admitting, counselling and

providing services to victims were set up. The National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) was established as the lead entity for public policies to eradicate violence against women.

In the area of education and campaigns against violence and for women's rights, COPREDEH has been carrying out a number of activities through its central headquarters and eight regional offices, dealing with the progress made in the Peace Agreements, human rights in general, the rights of children, women and indigenous peoples, and environmental rights. Human rights and non-violence against women have been promoted through radio spots.

In the framework of the Agreement on Strengthening Human Rights in the Peace Process, signed with the European Union on 19 June 1997, the Peace Agreements containing commitments relating to women's rights were publicized through radio spots, written publications and the recruitment of personnel to provide human rights training.

With the cooperation of the Guatemala office of the United Nations High Commissioner for Human Rights, training was also provided to judicial officials with the support of the Judicial Training School, the training unit in the Public Prosecutor's Office, the Institute for Public Defence and the Institute of Comparative Studies.

Article 6

The combined third and fourth reports provided information on legislation, health services, education and rehabilitation for women engaging in prostitution. These activities were carried out by governmental institutions and non-governmental organizations; action taken by prostitutes who have organized for the defence and recognition of their rights was also described.

A National Plan of Action against Commercial Sexual Exploitation of Children and Adolescents in Guatemala was drawn up in 1999 and submitted to the Social Cabinet in July 2001.

A National Plan for the Protection of Street Children and Adolescents was drawn up in 2000.

Article 7

In terms of women's political participation, we have the same information as was provided in the combined third and fourth reports; information in this report will be presented later.

Article 10

As indicated under article 5, school textbooks are being revised in the context of the education reform. Another aspect of the reform is the eradication of illiteracy; the National Literacy Council (CONALFA) is the institution responsible for carrying out literacy programmes.

Article 11

As indicated in the combined third and fourth reports, the minimum wage is set for agricultural and non-agricultural workers and there is no differentiation between men and women.

There are civil society women's organizations, as well as governmental bodies for the promotion and defence of women's rights which coordinate action for the elimination of gender inequity with the Government. As for the informal economy in which many Guatemalans work, there are still obstacles to the introduction of social security benefits.

In Guatemala, trade unions may be based either on the firm or on the occupation; the latter type includes people who engage in a specific activity within the informal sector of the economy.

As reported earlier, pregnant or nursing women have the right not to be dismissed from their jobs, and dismissal requires the prior authorization of a competent judge. In 2001, the Labour Code, which gives the Ministry of Labour and Social Security enforcement power, was amended to increase the financial penalties for violation of established norms, such as the one mentioned above.

Article 12

A Programme on Indigenous Women, Reproductive Health and Domestic Violence is being carried out by the Ministry of Public Health and Social Welfare. A National Reproductive Health Programme, which provides for action in both urban and rural areas, is currently being developed. The Social Development Act was also promulgated.

Article 14

With regard to the land situation, see the combined third and fourth reports; progress in that area is also described in this report.

Article 16

The Civil Code was amended in 1999 as explained below.

2. Policies and actions relating to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

2.1 Legal and regulatory measures to eliminate discrimination against women and guarantee their full development

During the 1990s, a process was set in motion to consolidate and institutionalize an entity that would be responsible for national policy relating to women. The National Office for Women's Affairs (ONAM), established by Governmental Agreement No. 893-81, of 24 June 1981 and attached to the Ministry of Labour and Social Security, in conjunction with the Presidential Secretariat for Planning (SEGEPLAN), developed policy proposals such as the Social Development Plan 1992-1999 (repealed in 1993) and the Social Development Plan 1996-2000.

Finally, in 1999, the document "Advancement and Development of Guatemalan Women: Equal Opportunity Plan" was drafted, containing, inter alia, proposals from the National Women's Forum. All these documents describe the problems faced by women in their situation of marginalization and exclusion and propose action to solve them.

The Equal Opportunity Plan 1998-2001 is significant for the extent to which various women's organizations and groups, as well as governmental bodies were involved and represented in the drafting process, under the direction and coordination of the First Lady's Social Work Secretariat (SOSEP) and the National Office for Women's Affairs (ONAM).

In 2000, the Government presented to the public the Social Policy Matrix 2000-2004, which also supports the subsequent development of the national policy for women. It contains a section on the advancement of women, the goal of which is to guarantee equality for women in the economic, political, social and cultural spheres. Among the lines of action and targets proposed for achieving that goal is the implementation of the policy for women, with defined mechanisms for its follow-up and evaluation.

On 24 February 2000, the Congress issued Legislative Agreement No. 14-2000 urging the executive branch to establish a Secretariat for Women.

Pursuant to this recommendation, the Government established a Presidential Secretariat for Women and issued Governmental Agreement No. 200-2000 of 17 May 2000 setting out its nature, purpose, goals and powers. Women's organizations participated in the drafting of the agreement and stipulated that the Secretary for Women should be appointed on the basis of proposals submitted by women's organizations.

Subsequently, on the basis of 10 proposals submitted to the executive branch, the Presidential Secretary for Women was appointed by means of Governmental Agreement No. 337 of 10 October 2000.

The Presidential Secretariat was formally constituted in October 2000, upon the appointment of the Presidential Secretary, as a governmental body that would guarantee the viability of the "National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006". The design of that policy was the outcome of consensus on the documents prepared by the National Office for Women's Affairs, the First Lady's Social Work Secretariat and the National Women's Forum.

On 10 April 2001, in accordance with Governmental Agreement No. 130-2001, the internal regulations of the Presidential Secretariat for Women were issued, setting forth its internal structure, functions, coordinating mechanisms and other provisions.

The Presidential Secretariat for Women (SEPREM) operates under the direct supervision of the Office of the President of the Republic, as an advisory and coordinating body for public policies to promote the comprehensive development of Guatemalan women and the fostering of a democratic culture in which relations between men and women are harmonious and equitable, creating better conditions for relations within the family and society through programmes and actions to limit prejudice, exclusion and unequal treatment.

The Secretariat's functions are to:

- Promote women's full participation in the country's development, and real and effective equality between men and women;
- Ensure the observance and implementation of constitutional provisions, ordinary laws and international treaties and conventions relating to women and compliance with the commitments made in international bodies and forums and in the Peace Agreements;
- Plan, advise on, promote and follow up policies, plans, programmes and projects directed at women;
- Analyse the legislation in force with a view to promoting reforms that take account of women's needs; and
- Represent the Government both nationally and internationally.

The Secretariat has the rank of a State Ministry and its participation is at high levels of the government administration, giving it a greater influence on policy, namely:

- In the Presidential Cabinet, presided over by the President, in which State Ministries, State Secretariats, the President of the Bank of Guatemala, the Presidential Commissioner for the Modernization and Decentralization of the State and COPREDEH participate. It was formed in January 2001.
- In the Social Cabinet, presided over by the Vice-President, in which the Ministries of Health, Education, Culture and Sports, Finance and Agriculture, SEGEPLAN, the Social Investment Fund, the Peace Fund and the Secretariat for the Executive Coordination participate. It was formed in March 2001.
- The Coordinating Council of Secretariats, headed by the Strategic Analysis Secretariat, in which the Secretariat for Communication, the Peace Secretariat (SEPAZ), the Presidential Office for Legal Assistance and Dispute Settlement in Land Matters (CONTIERRA) and COPREDEH participate. It was formed in November 2000.
- Under its regulations, the Presidential Secretariat for Women is part of all government bodies deriving from the new institutional mechanisms for the modernization and decentralization of the State and is responsible for promoting policies and amendments to laws and codes that foster the participation and development of women.

On 11 June 2001, a binding Declaration was signed by departmental governors, representing the President at the local level, in order to promote the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 from the Development Councils up.

The Secretariat has an Advisory Board which is governed by article 13 of the regulations of the Presidential Secretariat for Women. The Board comprises a woman delegate from each of the State Ministries and from the institutions or units responsible for implementing public policies for the development of equity between men and women.

The Advisory Board currently comprises 18 representatives and is presided over by the Presidential Secretary for Women. Its main function is to coordinate

with State entities the implementation of joint policies and actions for the development with equity of Guatemalan women. It works in five areas: (a) systems of training in gender equity; (b) national statistical information system; (c) strengthening of sectoral mechanisms; (d) establishment of sectoral targets; and (e) participation in the drafting of national and international reports.

Women delegates from the Ministries of the Economy, Education, Public Finance, Foreign Affairs, the Interior, Labour and Social Security and National Defence, the Presidential Secretariat for Planning, the Presidential Commission for the Modernization and Decentralization of the State, the Presidential Secretariat for Executive Coordination and COPREDEH participate in the Advisory Board.

In addition, as part of the development of institutional mechanisms, women's units have been established in the following offices:

- The Gender, Women and Rural Youth Unit in the Ministry of Agriculture and Food, set up by Ministerial Agreement No. 1525 of 30 October 2000.
- The Women's Consultative Council in the Ministry of Public Health and Social Welfare, created by Ministerial Agreement No. 977 of 29 August 2001.
- The Gender Unit in the Ministry of Environment and Natural Resources, created in May 2001 and reporting directly to the office of the Minister.
- The Gender and Women's Unit in the Ministry of Energy and Mines, created in June 2001.
- The Women's Unit in the Ministry of Defence.
- The Gender Unit in the Guatemalan Fund for Indigenous Development (FODIGUA), created on 20 November 2001.
- The Gender Unit in the Social Investment Fund (FIS), created in May 2001.

Women's units also exist in agencies of the executive branch which participate in the Advisory Board:

- The Programme for the Prevention and Eradication of Domestic Violence (PROPEVI), attached to the First Lady's Social Work Secretariat (SOSEP). The Programme for the Advancement of Rural Women (PROMUJER), also attached to SOSEP.
- The Advisory Unit on Women Issues, in the Peace Secretariat (SEPAZ).

Administratively, the Secretariat is consolidating its institutional structure to ensure that it can guide policy and do its work as effectively and efficiently as possible. Civil society is being kept informed of the progress achieved. The Secretariat is campaigning to secure budget commensurate with its needs and to ensure that all institutions working with women allocate sufficient funds to programmes (education, health, employment). A budget increase of 20 per cent has been obtained for 2002 to enable the Secretariat to do its job better.

The National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) was created by Governmental Agreements Nos. 831-2000 and 868-2001 and came into being on 5 January 2001. It is in charge of promoting and executing public policies for the prevention and eradication of violence against women, under the authority of the Presidential Secretariat for

Women, and is part of Guatemala's efforts to comply with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

On 19 July 1999, Governmental Agreement No. 525-99 set up the Office for the Defence of Indigenous Women's Rights attached to the Presidential Human Rights Commission (COPREDEH), within the framework of the Peace Agreements, more specifically, the Agreement on Identity and Rights of Indigenous Peoples. This came about as a result of campaigning by indigenous women's organizations.

Decree No. 42-2001 promulgated the Social Development Act, adopted by the Congress on 26 September 2001. This Act is of vital importance for the advancement of women and resulted from a proposal put forward by women members of the Congress who worked together to sponsor the legislation. The proposal included input from civil society organizations and had the unanimous support of the Catholic and Evangelical churches. Taking a comprehensive view of development, the Act creates conditions for the full integration of women in the economic, social, political and cultural development process.[1] The Social Cabinet has entrusted the Presidential Secretariat for Women with monitoring the implementation of the National Development Policy deriving from the Act.

The Act recognizes the right to the full exercise of maternity and paternity, to comprehensive health care, to choose the number and spacing of pregnancies, to healthy maternity, to reproductive health programmes and family planning services and to information, education and training on neonatal care and breastfeeding.

Work is in hand to implement Decree No. 80-98 of 19 November 1988 amending articles 109, 110, 115, 131, 132, and 255 of the Civil Code and also the State Pensioners Act in order to eliminate provisions that adversely affect or discriminate against women.

Legislative Agreement No. 68-2000 urges the Congressional Committee on Elections to give its opinion on the compatibility of the law with a more equitable approach to political participation by Guatemalan women.

The Land Trust Fund Act was amended by Congressional Decree No. 24-99 to incorporate the concepts of co-ownership for couples who are married or in de facto unions and individual ownership for single women.

The Act on Enhancing and Advancing the Status of Women was adopted by Congressional Decree No. 7-99 in March 1999. Chapter IV of the Act provides for "specific actions and measures in the economic sphere and in the sphere of political power" and article 21 specifies that "the State shall, with the participation of women's organizations: (a) review and propose modifications, rules, mechanisms, customs and practices in the areas of family benefits, access to bank loans, mortgages, housing credits and other forms of financial credit, development projects and projects for access to land in order to eliminate all discriminatory laws or practices that currently obstruct women's access, on a basis of equal opportunities and conditions, to the aforementioned benefits, regardless of their marital status, with emphasis on the elimination of rules or practices that bar access to such goods and services by single women heads of household".

[1] Social Development Act, chap. III, art. 10 (6).

In November 1998, the National Office for Women's Affairs (ONAM) submitted a proposal to amend the Elections and Political Parties Act by establishing quotas to ensure that 30 per cent of leadership positions in political parties and 30 per cent of posts in elected office are held by women. The amendments are awaiting consideration and adoption in the Legislative Assembly.

The Peace Secretariat and the Joint Commission on Reform and Participation submitted amendments to the Development Councils Act that emphasize the principle of gender and ethnic equity. Those amendments too are in the process of adoption; they provide for women's participation at the local, departmental, regional and national levels. The Presidential Secretariat for Women, for its part, submitted proposed amendments to the Congressional Committee on Decentralization that would ensure that women's organizations are involved at all levels of the system of Development Councils.

On 22 November 2001, the Congress ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. This can be seen as a major step forward for Guatemalan women.

To raise awareness and draw attention to the importance of women's rights, on the occasion of the International Day of Action for Women's Health (28 May), Ministerial Agreement No. 1307-2000 was promulgated, declaring May "Women's Health Month". During that month, women's health fairs are held in the capital city and in the departments.

2.2 Education

One of Guatemala's biggest problems in the area of education is the persistence of a high level of illiteracy and an overall low level of education.

The National Literacy Council (CONALFA) estimates that the average illiteracy rate among the population aged 15 to 64 years is 40 per cent nationwide, but is higher in some departments such as Quiché (72.4 per cent) and Alta Verapaz (71.7 per cent) and lower in the department of Guatemala where the capital city is located (14.6 per cent). However, these averages do not reflect the differences between men and women, and it is women who have the highest illiteracy rates.

The proportion of girls who successfully completed primary-school education rose from 30.1 per cent in 1999 to 31.5 per cent in 2000. The figures were 7.35 per cent and 8.95 per cent, respectively, for general secondary education and 10 per cent each year for diversified secondary education.

In 2000, the gross school enrolment rate at the pre-primary level (children aged five to six years) was 51.3 per cent overall: 51.6 per cent for girls and 51 per cent for boys. The net enrolment rate was 37.5 per cent for both boys and girls.[2] At the primary school level (ages 7 to 12), the gross rate is over 100 per cent: 106.5 per cent for boys and 97.7 per cent for girls; the net rate is 84.4 per cent and 82.1 per cent respectively. In general secondary education (ages 13 to 15), the gross rate is 43.8 per cent for boys and 38.2 per cent for girls; the net rate is 24.7 per cent and 23.4 per cent respectively. The values for this indicator are lower because many

[2] The gross enrolment rate includes pupils who are outside the normal age group for their level, whereas the net rate includes only pupils within the age group.

children leave school and join the workforce at an early age. Only 20.4 per cent of boys and 21 per cent of girls go on to diversified secondary education (ages 16 to 18); the net figure is 14.3 per cent and 15.8 per cent respectively.

The school retention rate is higher in urban areas (96 per cent) than in rural areas (86 per cent), while the primary school repetition rate is higher for boys (17 per cent) than for girls (15 per cent).

In 2001, the Government launched a programme requiring secondary school students to do work experience helping illiterate people; particular emphasis was placed on teaching literacy to women. The scope of the programme was considerable, with students from both public and private schools participating.

Nutrition is a very important factor in students' ability to concentrate and to assimilate knowledge. In order to reduce problems in this regard, a nutrition programme has been in place since the 1990s for schoolchildren attending State-run schools in both rural and urban areas. Under the programme, children are provided with breakfast and a snack, the former being a complete meal and the latter consisting of a nutritionally enriched biscuit. The programme covers all departments of Guatemala, giving priority to rural areas and underprivileged urban areas. There are plans to expand it to include a school lunch.

The education reform currently under way is a comprehensive instrument that takes account of both quantitative and qualitative aspects; in other words, its purpose is both to expand educational coverage geographically and numerically and to improve the quality of educational content and textbooks so that they deal with multiculturalism, gender and other factors that contribute to social segregation. Programmes and projects are being carried out with the participation of civil society and with support from national and international cooperation agencies.

The Presidential Secretariat for Women is involved in the education reform, since the agreement setting up the Consultative Group made it a member with the right to speak and to vote, in order to give it a gender perspective that would enhance women's status.

On behalf of the Government, the Advisory Commission on Educational Reform is working to bring education to all sectors of the population, particularly the poorest groups and those in rural areas, taking into account the country's multicultural and multilingual nature. The findings of the Commission's report emphasize the strengthening and promotion of the country's various cultural and ethnic identities, as well as the elimination of discrimination based on gender, race, religion or any other kind of sociocultural stereotype. The Advisory Commission is currently considering draft amendments to the Education Act.

The Education Act recognizes the right of access to education for children of undocumented migrant workers and children of naturalized parents born in Guatemala. The documents to be produced are a birth certificate, a certificate showing the last grade of education completed and a health certificate. However, children who have studied in countries where the educational system is different from Guatemala's must take a placement test to determine their level and find the Guatemalan equivalent, or else they are awarded credit for the courses they have successfully completed.

The "Let's Educate Girls" programme of the Ministry of Education promotes primary education for girls. It has produced an analysis and a plan of action for girls' education and has defined policies and strategies, including a scholarship plan for rural girls with an annual budget of 75,000 quetzales. The scholarships are currently being distributed among the country's 22 departments and amount to 300 quetzales per child per year. Although this is a programme for girls, boys also benefit from it.

In higher education, the Rafael Landívar University has set up a diploma course in gender studies, which is being taught by both Guatemalan and foreign lecturers.

The Presidential Secretariat for Women has concluded an agreement with the National Institute of Public Administration (INAP) to provide training in gender issues to civil servants.

At the University of San Carlos of Guatemala, a women's committee is working to set up a University Institute for Women. There is a professorship in women's studies in the School of Social Work and another in the School of Agriculture. The Department of Research also has a research programme in gender studies, under which research has been conducted on, inter alia, migrant women, precarious settlements, women academics, housing for women widowed as a result of the internal armed conflict, women and the Peace Agreements, resettlement conditions, local government, political participation, and violence.

A Latin American women's conference was held in Guatemala in August 2001, bringing together women social scientists from all over the country and from other Latin American countries.

2.3 Health and violence

2.3.1 Health

The basic problem affecting the health of Guatemalan women is poverty, since many diseases are preventable and are attributable to the malnutrition suffered by a large part of the population, particularly children. Moreover, because of their reproductive function and lack of adequate nutrition, women are at greater risk for disease and premature death. Under-five malnutrition rates show that an estimated 61.7 per cent of children in households living in extreme poverty suffer from chronic malnutrition; the figure is 47.8 per cent for households living in poverty and 25.1 per cent in households not living in poverty. This has prompted the Government to take actions which have been incorporated in the "Poverty Reduction Strategies".[3]

With the adoption of the Act on Enhancing and Advancing the Status of Women, in addition to the recently adopted Social Development Act, there is now a legal basis to support the implementation of the National Reproductive Health Programme run by the Ministry of Public Health and Social Welfare.

[3] At the proposal of SEGEPLAN, the policy proposal contained in the document "Poverty Reduction Strategies" was elaborated in July 2000.

The country's health services system is made up of establishments and programmes that come under: (i) the Ministry of Public Health and Social Welfare, which covers 32 per cent of the population and is responsible for public health activities and for groups that are at high biological and social risk. It is responsible for health sector management and has its own network of services which absorbs about 40 per cent of national health spending; (ii) the Guatemalan Social Security Institute, which covers 25 per cent of the country's population, mostly workers in the formal sector of the economy; its occupational injury and disease programme covers all its members, but its ordinary illness and maternity programme covers only the capital city and some departments. The Institute's own network of services absorbs around 30 per cent of national health spending; (iii) the private health subsector, comprising a wide network of private clinics, hospitals, pharmacies and laboratories, which covers 10 per cent of the population and absorbs 31 per cent of national health spending.

The Ministry of Public Health and Social Welfare defined a number of national health policies for the period 1996 to 2000, including:

- Reorganization, integration and modernization of the health sector;
- Increased coverage and improved quality of care, with emphasis on the prevention and control of priority problems;
- Improved hospital management; promotion of health and of a healthy environment;
- Increased coverage and improved quality of drinking water supply and expansion of the provision of basic sanitation in rural areas;
- Social participation and oversight in the public management of services;
- Coordination of international technical cooperation; and
- Human resources development.

The coverage of first-level basic health services has been increasing in recent years, with a growth rate of 15 per cent in 1998-1999 and 16 per cent in 1999-2000. Prenatal care coverage in 1998-1999, in relative figures, was as follows: 47.5 per cent cared for by a doctor, 26.7 per cent cared for by a midwife, 12.1 per cent cared for by a nurse, and 13.2 per cent,[4] receiving no prenatal care; the latter is the main source of concern.

Health policies for women currently focus mainly on pregnant women; they receive priority in the promotion of services for women because childbirth and the post-partum period involve the risk of maternal mortality.

The principal reported causes of maternal morbidity are: anaemia, 12.5 per cent; urinary tract infections, 11.7 per cent; respiratory infections, 7 per cent; diseases of the digestive system, 3.3 per cent; and other causes, 62.6 per cent. The causes of maternal mortality are: placental retention, 22.2 per cent; hypovolaemic shock, 12.6 per cent; immediate post-partum haemorrhage, 10.8 per cent; puerperal sepsis, 8.4 per cent; and other causes 46.1 per cent.

[4] *Source*: Report of the Ministry of Public Health and Social Welfare.

According to the report of the Ministry of Public Health and Social Welfare, there were 382,717 births in 2000, and 103 boys were born for every 100 girls. Of the total number of births, 75.3 per cent took place in the mother's home, 19.8 per cent in hospital, 4.3 per cent in other facilities and 0.7 per cent in public places. Midwives attended 61 per cent of births; doctors, 23.7 per cent; and traditional birth attendants 10.9 per cent; 4.4 per cent of childbirths were not attended by trained personnel. Of total births, 4.7 per cent were by Caesarean section. Nationwide, 21 per cent of births were to women aged under 20 years.

With regard to the incidence of abortion, official statistics are incomplete because of underreporting and because abortions are performed outside the Integrated Health Care System. The figures available for 2000 show 10,765 abortions, of which 33.5 per cent were performed in the department of Guatemala.

The law stipulates that all pregnant women visiting the health services must receive multivitamins, ferrous sulphate and folic acid free of charge during pregnancy and, ideally, during the post-partum period, subject to the availability of supplies.[5]

With regard to family planning, the number of people using some form of contraception was 98,876 in 1999. Of that number, 54.2 per cent used injectable contraceptives, 25.7 per cent used the pill, 2 per cent used an intra-uterine device (IUD) and 17.8 per cent used condoms. The number of repeat visits was 173,155 in 1999. In 2000, the number of new contraceptives users was 100,742, of whom 50 per cent preferred injectable contraceptives, 31.4 per cent the pill, 2.1 per cent the IUD and 16.6 per cent condoms. The number of repeat visits was 205,647.

A total of 4,080 surgical sterilizations were reported in 1999, of which 95 per cent were performed on women. In 2000, the number was 5,335, with women still predominating (94 per cent as compared with 6 per cent for men).

Women accounted for 68.6 per cent of the cases of sexually transmitted disease reported in 2000. As for HIV/AIDS, 680 cases were treated on initial visits and 498 on repeat visits in 1999. In 2000, there were 527 initial and 303 repeat visits, 56.2 per cent of which were by women. The fall in the number of visits between 1999 and 2000 is attributable to under-recording by SIGSA.[6]

Under Ministerial Agreement No. 977 of 29 August 2001, the Ministry of Public Health and Social Welfare established the Women's Consultative Council. The purpose of this body is to coordinate the Ministry's various programmes for mainstreaming a gender perspective in all its activities, promoting participation, providing legal advice and encouraging the decentralization and deconcentration of health care with a gender perspective. It has the following divisions:

- Division of Health Regulation, Monitoring and Control and the National Reproductive Health Programme;
- Integrated Health Care Programme;
- Mental Health Programme;
- Food Security and Nutrition Programme;
- HIV/AIDS and Sexually Transmitted Diseases (STDs) Programme.

[5] Report of the Reproductive Health Unit, Ministry of Public Health and Social Welfare, provided for the Presidential Secretariat for Women.

[6] Ibid.

Prostitution, unlike trafficking and procuring, is not classified as a criminal offence in the Penal Code. Prostitution is practised both openly and clandestinely. When it is practised openly, it is licensed. The records for 1999 show that 3,803 licences were issued that year.[7]

A methodological proposal was submitted to the National Literacy Council (CONALFA) for providing literacy training to women that would include reproductive health materials. An agreement was signed with CONALFA and it is hoped that the programme will be implemented in 2003.

2.3.2 Action to eradicate violence

The Presidential Secretariat for Women is responsible for the inter-institutional and intersectoral coordination of action to prevent violence against women, in the framework of the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 and of the Convention of Belem do Pará. Three areas have been singled out for attention: 1. the justice system; 2. public services; and 3. civil society.

There are shelter programmes and programmes of psychological counselling, legal aid and housing assistance for battered women, run by both the Government and non-governmental organizations. Despite the measures adopted, there still many women who suffer violence but do not report it, for fear of reprisals by their abuser. It is hoped that as women gradually become aware of their rights and seek help against violence and abuse, the phenomenon will gradually decline.

The newly established National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) promotes public policies for the prevention and eradication of domestic violence and violence against women. Its members were sworn in on 5 January 2001. CONAPREVI is made up of three representatives of the Non-Violence Network, one representative of the judiciary, the Government Prosecutor, one representative from SOSEP-PROPEVI and the President of the Republic as represented by SEPREM.

The Women's Section of the Public Prosecutor's Office is responsible for investigating and prosecuting offences involving women either as victims or as defendants. It handles proceedings in cases involving one or more women and having a bearing on their status as women, whether as victims or as defendants. It provides legal aid, psychological counselling and social services and medical care for victims through the forensic medicine service.

To prevent and eradicate sexual harassment, a number of bodies have been set up to monitor and care for victims both within public human rights institutions and the Women's Section of the Public Prosecutor's Office and within non-governmental organizations. In addition, there is a programme for training civil servants to support the campaign to eradicate violence against women.

The objectives of the Programme for the Prevention and Eradication of Domestic Violence, established by Governmental Agreement No. 929-99, are to promote public policies for the eradication of domestic violence and to train civil servants in this area.

[7] Department of Health Services, Ministry of Public Health and Social Welfare.

To respond to the needs of a particular section of the population, the Office for the Defence of Indigenous Women's Rights, attached to the Presidential Human Rights Commission (COPREDEH), was established in July 1999 by Governmental Agreement No. 525-99, within the framework of the Peace Agreements, especially the Agreement on Identity and Rights of Indigenous Peoples. The Office has administrative, technical and financial management capacities and the capacity to deal with the particular situations of vulnerability, defencelessness and discrimination experienced by indigenous women.

The objectives and functions of the Office for the Defence of Indigenous Women's Rights include proposing public policies and projects for preventing and eradicating discrimination against indigenous women and the violation of their rights, in conjunction with COPREDEH.

COPREDEH provides legal advice to indigenous women victims of violence, discrimination and other violations of their rights; provides social assistance to victims; and carries out training, promotion and publicity activities on the rights of indigenous women. A survey on the situation of indigenous women is in progress. There are regional offices in the departments of Quiché and Alta Verapaz and others are planned in departments with large indigenous populations.

According to the Office for the Defence of Indigenous Women's Rights, there are no records of acts of violence against women that can be considered cultural practices.

Both governmental and civil society bodies have presented a range of legislative proposals and proposals for amending the Penal Code to criminalize violence against women. Women's organizations such as "Mujer Vamos Adelante", the Women's Research, Training and Support Centre and the Maya Women's Council for Integrated Development are members of a coalition which is carrying out a project for the reduction of violence against women, based on the commitments made at the World Conference on Human Rights and on the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women.

The amendments to the Penal Code enacted by congressional Decree No. 17-73, which would introduce new provisions classifying sexual harassment, domestic violence and discrimination on grounds of race or sex as public order offences, are as follows:

Penal Code amendments:

- Amendment of article 106 of the Penal Code, on the granting of a pardon by the victim, to stipulate that a pardon granted by the representatives of a female minor shall be set aside by the court, which shall order continuation of the proceedings or fulfilment of the penalty; the amendment also stipulates that a pardon cannot in any circumstances be granted for the offences of rape, statutory rape, indecent assault or abduction.
- Change in the name of chapter V of title 1 of volume 2 of the Penal Code on the definition of the offence of "Physical injury" to that of "Physical injury and domestic violence", taking account of the fact that domestic violence is a form

of aggression by men against women, whereas physical injury if penalized and classified as aggression by men against men.

- Introduction of an article 146 bis defining domestic violence as an offence; it is necessary to criminalize this type of violence in order to protect women, girls, boys and older persons.

- The Penal Code currently in force regulates offences against personal freedom, sexual safety and modesty. The protected values should be expanded, however, in line with articles 3 and 4 of the Constitution.

- Amendment of article 173, on rape, to include sexual assault by a man against another man.

- Amendment of article 176, on statutory rape taking advantage of a minor's inexperience or trust, to eliminate the notion of decency, which historically has been used to confine the effects of the article to protecting inexperienced women from abuse.

- Change in the name of chapter III of title III, on "Indecent assault", to "Various sexual acts".

- Amendment of article 179, on indecent assault, to remove difficulties in interpreting the article and delete the reference to rape, which is liable to cause confusion.

- Introduction of an article 180 bis classifying sexual harassment as a criminal offence.

- Introduction of an article 180 ter to include as aggravating circumstances in the offence of sexual harassment the involvement of two or more persons or the capacity, whether private or public, of the harasser.

- Amendment of article 197, on criminal proceedings, so that in future only the State will bring actions and private actions will be discontinued, thereby removing the burden of lodging a complaint from the victim.

- Repeal of article 200, on marriage of the victim with the offender, since the article allows a man guilty of a sexual offence against a woman to evade criminal responsibility or escape punishment by entering into a lawful marriage with the victim, so that his action goes unpunished.

- Introduction of an article 200 bis, establishing as a special aggravating circumstance in sexual offences the commission of such an offence against a pregnant woman, indigenous women, physically and/or mentally impaired women, boys, girls or older women.

- Amendment of article 236, on incest, to make incest subject to public prosecution.

- Amendment of article 242, on denial of economic support, to make the latter an offence subject to public prosecution.

- Repeal of article 482, paragraph 4.

- Repeal of article 483, paragraphs 2, 6 and 9, of the Penal Code.

In the campaign to eradicate violence against women and girls, efforts have been made both by the Government and by civil society. These include the Non-Violence Network, bringing together various women's organizations. The network was set up in response to political violence against women, the aim being to create a forum for reflection and analysis that would permit an objective approach to the problem and to promote legislation and public policies in favour of women. The network has carried out advocacy in favour of adoption of laws and legislative reforms, such as the Act on the Prevention, Punishment and Eradication of Domestic Violence (Decree No. 97-96 and its implementing regulations; the establishment of the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI); and the adoption of the standard form for reporting cases of domestic violence.

The First Lady's Social Work Secretariat (SOSEP) has carried out an education and awareness-raising campaign and organized talks and seminars on the problem of domestic violence nationwide. Between January and August 2001, a total of 129 talks were given to staff of the various Government ministries, community leaders and school teachers, amounting to a total of 4,219 people. In addition, 147 seminars were conducted.[8]

It is worth noting that the number of complaints of violence has increased, not because a real difference has been made but because awareness-raising programmes have reduced tolerance of ill-treatment. In 1999, according to PROPEVI, out of a total of 173 complaints, 143 were received from women (81 per cent); in 2000, there were 2,690 complaints from women out of a total of 4,453 (60 per cent) and between January and August 2001 there were 3,159 complaints from women out of a total of 4,521 (70 per cent).

Under the domestic violence hotline programme, in 1999 the PROPEVI office received 140 complaints from women, out of a total of 408. The Women's Section of the Public Prosecutor's Office received 1,713 complaints of rape.

According to figures from the Human Rights Office of Casadel Migrant, in the first half of this year complaints were lodged by 1,560 people and 1,926 violations of migrants' rights were detected.

2.4 Work

Poverty, combined with illiteracy and low educational levels, accounts for the fact that a large proportion of the economically active population (PEA) are engaged in occupation where productivity and therefore wages are low. This situation affects women more than men, with the result that their social indicators are below those of men.

The employment problem in Guatemala is not so much the official unemployment rate, which is usually around 3 per cent — it was 3.5 per cent in 1994[9] — as the very high rate of underemployment, both visible and invisible, at times approaching 50 per cent. This a reflection of the limited capacity of the production system to absorb available manpower, as a result of the growth of the

[8] SOSEP report, 2001.

[9] The most recent population census was in 1994.

working age population and the slow growth of production activities and of economic activity in general.

Underemployment affects women more than men, because of their low educational level and the fact that they have to combine a job with housework and looking after their families.

Unemployment and underemployment reflect the low level of development of production, the lack of private and public investment, the low level of technology in production processes, and the low productivity of both agriculture and industry, whereas the present globalized market calls for efficiency and competitiveness.

Moreover, patriarchal society undervalues women's activities regarding them as natural and unproductive, and fails to take account of their contribution to the country's economic and social development. As a result, their contribution does not feature in the social balance sheet. One obvious example of this attitude is the idea that society has formed of women's activities in the home, which are simply labelled housework and assigned exclusively to women, without attaching a value to the contribution that these activities make to the economy as a whole and to the family in particular.

As an extension of these activities, women also contribute by cultivating kitchen gardens or looking after animals; no objective value is set on these activities either. In other instances, women directly support the work of their male partners, but their contribution is neither recognized nor remunerated, especially in agriculture.

The current crisis in the country has led to the growth of the informal economy and to the underemployment, if not unemployment, of urban women, since the demand for their labour is in occupations where productivity and therefore wages are low. Many women engage in types of employment that are unpaid or involve exhausting conditions and excessive working hours, such as domestic work and the *maquila* industry.

One type of poorly-paid female employment is domestic work, which accounts for 10 per cent of the urban economically active population living in extreme poverty.[10] Fifty-five per cent of female domestic workers are indigenous and 11 per cent are unpaid family workers. Small-scale trading has a large female presence; 26 per cent of such traders are urban indigenous women who engage in retail trade and 30 per cent are non-indigenous women who sell in shops, on the street, at market stalls, etc.

In the *maquila* industry, which accounts for the growth in female employment in recent years, working conditions are unsatisfactory and violate labour laws regarding working hours, ill-treatment, failure to pay benefits and lack of access to social services.

The Ministry of Labour and Social Security has made efforts to protect workers as part of its mandate and in accordance with ILO conventions. It has a Working Women's Unit, whose functions include promoting women's participation in trade unions. To that end, it provides training, distributes materials, gives advice and plays a coordinating role.

[10] UNDP, "La Fuerza Incluyente del Desarrarrollo Humano", Guatemala, 2000.

The activities carried out in this area include:

- Training and supplying handbooks to over 150 woman facilitators in civil society and trade unions;
- Coordinating with the 2001 ILO Project for Women Working in the Maquila Sector, with which there is a joint programme of work, including advice on preparing handbooks on labour rights and obligations, self-esteem and all-round health;
- Participating in the coordinating body for daily childcare and in the preparation of an inventory of needs with support from ILO, and in an actuarial study with support from UNICEF;
- Planning for the joint work carried out in 2001 with the *maquila* coordinating committee;
- Training of 35 employers, 150 women labour leaders and 43 labour inspectors, as part of the project for the defence of women workers' rights carried out with UNICEF.

The Ministry of Labour and Social Security brought together a number of women's organizations and groups from civil society to draw up a proposal for the Minster's Office on amendments to the Labour Code designed specifically to prevent de jure and de facto discrimination against working women. As a result, on 9 July a proposal for amending the Labour Code was submitted to the Ministry of Labour, reflecting the concerns of the National Office for Women's Affairs, the Congressional Committee on Women, Children and the Family, the Training Centre for Private Domestic Workers, the Office for the Defence of Indigenous Women's Rights, the Legal Action Centre for Human Rights and the National Women's Forum.

Staff from the Ministry of Labour and Social Security and the Department for the Advancement and Training of Working Women took part in drafting the bill on the national system of childcare centres for workers' children.

Articles 138 to 145 of chapter I of title IV of the Labour Code contained in Congressional Decree No. 1441 governs work subject to special regimes and stipulates the minimum rights attaching to such work, such as housing, registration, social services and monitoring by the Labour Inspectorate of compliance with labour laws.

The Act on Enhancing and Advancing the Status of Women and the Family contained in Congressional Decree No. 7-99 proposes the regulation of employment in different activities in both the public and private sectors and the recognition of women agricultural workers employed on a permanent, seasonal or daily basis.

The Social Welfare Department of the Ministry of Labour and Social Security provides training for women operating small and medium-sized businesses, as well as special support for women living in poverty in the form of resources, technical advice and employment training.

The Customer Services Department of the Technical Institute for Training and Productivity (INTECAP) offers the following courses: breadmaking (for both sexes), beauty care and hairdressing, gastronomy, computing and industrial dressmaking. In these courses, 35 per cent of the persons trained are women.

Each year, INTECAP trains approximately 700,000 people throughout the country, of whom a third are women. An average of 300 women follow distance-training courses provided by the Institute in small business administration, basic electricity, middle management, mid-level technical skills, sales, human resources and textiles.

Women working in the public sector have two special days of paid leave a year: 10 May, Mother's Day, and 26 April, National Secretary's Day.

Decree No. 37-2001 granted a bonus of 250 quetzales to both male and female workers.

2.5 Economic, social and cultural development

Social inequality in Guatemala is rooted in history and basically affects vulnerable groups such as the rural population, ethnic groups, women, older persons and children. In this context, it is women that are most affected by discrimination, exclusion and oppression and this situation has had an impact on the social development of Guatemala. Moreover, factors such as insecurity are problems that affect the majority of the population and more especially women, who have suffered the greatest exclusion because of the prevailing patriarchal culture. As a result, in 1999 Guatemala ranked 117 out of 174 countries on the human development index (0.624) and 101 (0.608) on the gender-adjusted human development index.

Recently, there has been a drop in macroeconomic indicators and a decline in both agricultural and industrial output. In agriculture, reduced demand for coffee, the main agricultural export, has meant fewer jobs and lower incomes for families and family businesses. In industry, factories have closed, particularly in the *maquila* sector, which is the main employer of women.

According to studies based on the results of the Survey of Household Incomes and Expenditures (ENIGFAM), applying a different methodology from that used when the combined third and fourth reports were prepared, poverty affects 56 per cent of the population (6.4 million people): 15.7 per cent (1.8 million) live in extreme poverty, 40.2 per cent (4.6 million) live in poverty and 44 per cent (5 million) do not live in poverty. The most important findings are that poverty is greater among the indigenous population (56 per cent) and in the country's northern and north-western regions, where more than eight people in 10 are poor, and in the Petén region and the south-east, where seven people in 10 are poor. In the metropolitan area, which includes Guatemala City, the poverty level is only 17 per cent.

It is worth noting that, in the past, when some State institutions formulated their work plans, they did not take into account behavioural differences between men and women. Nowadays, however, with the incorporation of the content of the Social Political Matrix into State policy, the Government is seeking to achieve greater gender equity, promote the development of women and young people, meet the population's basic needs and satisfy the need to create a multicultural society and strengthen civilian power through the democratization of social relations and through civic participation.

SEPREM, through its National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006, has spearheaded a

process of raising awareness at all levels of Government and of mainstreaming development projects and programmes for women, so that everyone will contribute to efforts to overcome existing inequities. Nevertheless, there remains the serious problem of available statistics; these are not properly gender-disaggregated, making women in general and their problems in particular invisible and preventing accurate projections from being made for the allocation of resources.

SEPREM signed an agreement with the National Statistical Institutes (INE) for compiling gender-based statistics and indicators and conducting specific sample surveys and polls, as needed.

This activity is based on the Agreement on Social and Economic Aspects and the Agrarian Situation, in which the Government undertook to take women into account in development strategies, plans and programmes, recognizing the equal rights of women and men in the home, in the workplace, in the production sector and in social and political life and ensuring that women have the same opportunities as men, particularly with regard to access to credit, land ownership, housing of their own and other resources.

In 2001, the Social Investment Fund established its own Gender Unit. For six years, the Fund has been taking action to facilitate women's access to credit; in 2000 and 2001, it granted 15,676 credits to women through communal banks.

The 2000-2004 agricultural policy of the Ministry of Agriculture and Food includes a policy component on "Gender Equity and Advancement of Rural Women and Youth".[11] This component contains all the action to be taken by the Ministry in implementing inclusive and participatory development processes that contribute to reducing poverty, exclusion and inequality by focusing on the various activities and roles socially assigned to rural women, men and young people that determine their participation and their enjoyment of the benefits of development.

Since 1995, the Ministry has been conducting activities with women's groups. By Governmental Agreement No. 175-96, it set up a consultative Group on Gender, bringing together institutions and projects in the agricultural sector, for the purpose of promoting local capacity-building, modernization of the State and gender mainstreaming in overall development strategy.

The execution of the previous project in 1997 and 1999 was guided by the following lines of action: (a) gender mainstreaming in the context of the process of institutional transformation; (b) training of key Ministry personnel in gender analysis; (c) dissemination of information on successful experiences in applying a gender perspective; and (d) support for modernization through the strengthening of civil society and the relationship between different bodies with respect to gender issues.

With technical and financial support from the Ministry of Agriculture/Rural Women bilateral committee and in cooperation with the Ministry's departmental coordinating committees and with the networks of agricultural development agents (RADES) and local non-governmental organizations, educational materials with a gender perspective have been prepared for training and assisting technical outreach staff, community leaders and extension workers. Training has been provided to 2,680 operational staff.

[11] Report of the Ministry of Agriculture and Food.

One important achievement in 2001 in assisting rural women was the establishment of the Gender, Women and Rural Youth Unit by Ministerial Agreement No. 1525 of 30 October 2000, whose aim is to promote policies with a gender perspective and ensure that measures are taken benefiting women both individually and through their organizations. The Unit focuses on gender mainstreaming within the Ministry.

The promotion of equal employment opportunities has led to job creation and income generation for rural women, recognition of their productive work, the adoption of mechanisms giving rural women equal access to the use and ownership of resources and means of production, training in traditional and non-traditional crops, technology transfer, strengthening of rural women's business organization and training and promotion and strengthening of rural women's rights as citizens. It is important to note the growth in women's participation in decision-making from an ethnic and cultural standpoint.

The aim of the Gender Equity and Advancement of Rural Women policy is to address the need for rural women to be integrated in production on equitable terms by reducing the political, socio-economic and cultural barriers to their participation and enjoyment of the benefits. Its focus is on: (a) human development and the development of social capital; and (b) expansion of production.

The National Fund for the Revitalization and Modernization of Agricultural Activity (FONAGRO) has financed 85 projects for rural women for a total of 15,030,928 quetzales.

The Ministry of Agriculture and SOSEP concluded Framework Agreement No. 1108-99 on providing financial support totalling 6,000,000 quetzales, from FONAGRO resources, for the establishment of 103 communal banks in the departments of Quetzaltenango, Totonicapán, Quiché, Alta Verapaz and Petén operated by FUNDESPE and FUNDEMI-Talita Kumi and supervised by the Fund and PROMUJER. To expand its coverage, FONAGRO plans to transfer a further 4,000,000 quetzales to PROMUJER.

As a member of the BANRURAL Board of Directors, the Ministry seeks to ensure that the bank's credit policy is geared to small and medium-sized producers and adheres to the regulations prohibiting gender discrimination in the granting of credits. The special trust funds deposited with BANRURAL for the PLAMAR, PRODERT and PROCUHU projects have benefited 2,553 women and 5,894 men.

The Ministry handed over to the Ministry/Rural Women bilateral committee the DIGESA training centre located in Chimaltenango, which has benefited 300 rural women directly and 1,800 indirectly.

A total of 120 new women's groups have been organized, through which women have been trained and given technical assistance for 860 kitchen gardens. Technical assistance has also been provided for fruit growing (3,785 hectares) and the technical management of plantations (17,731 hectares), benefiting 8,772 women and 25,477 men. In 2000, soil conservation was promoted (2,910 hectares), using 1,800 fertilizer plants and benefiting 2,624 women and 9,334 men. A total of 2,920 family poultry farming kits comprising 10 hens and 10 roosters were distributed to promote poultry production and consumption. Advice on forestry management was provided (4,253 hectares) and a cordon to protect against forest fires (146,000 hectares) was created, benefiting 3,475 women and 10,425 men.

Also in 2000, 6,228.17 metric tons of food were distributed for the development of projects in communities with a high incidence of poverty. Such projects involved the creation of production infrastructure, soil rehabilitation and conservation, agro-forestry, training, and education for schoolchildren, benefiting 61,488 families.

Internal migration from rural to urban areas has exacerbated the urban housing deficit. Families have the choice of living in precarious human settlements, where there are few services and housing quality is poor.

In response to this problem, the Government, through the Social Policy Matrix 2000-2006, has formulated a number of programmes and developed projects with public and private bodies working in the housing and human settlements sector, in order to provide a large number of families with access to decent housing and make soft financing accessible to poor families, particularly female-headed households.

In order to overcome the housing deficit, the Guatemalan Housing Fund in the Ministry of Communications, Infrastructure and Housing developed a national housing policy which, inter alia, incorporates the cross-cutting themes of: gender, multiculturalism and interculturalism, environment and risk. This policy was approved on 6 July 2001; on 18 September, at the signing of a trust fund agreement with the Central American Bank for Economic Integration (CABEI), the President of the Republic announced that it was being adopted as State policy.

The international human rights treaties ratified by Guatemala include a series of commitments related to the issue of equal access to land and decent housing. Likewise, ordinary law such as the Civil Code regulates the right to ownership and co-ownership, and any limitation on that right violates gender equity.

Traditionally, women's access to land, whether as owners in the case of single mothers, widows or divorcées, or as co-owners in the case of married women, has been limited. This situation is a result of traditional cultural patterns and is seen in the various ethnic groups.

The main function of the Land Trust Fund Act, contained in Decree No. 24-99, is to implement the public policy of providing financing for access to land. It encourages the sound use of natural resources by creating conditions conducive to integrated rural development and provides support for obtaining basic housing. The Act is a response to the State policy of creating social investment funds to curb the rapid spread of poverty, while streamlining the State's administrative activity.

The Act sets out eligibility criteria for a person to qualify as a beneficiary of the Fund's programmes and refers specifically to men and women: (a) landless male and female peasants; (b) male and female peasants with insufficient land; (c) male and female peasants living in poverty.

At the moment, consideration is being given to the need to amend the Municipal Code to introduce the reforms necessary to satisfy the needs of local development and of equity in ethnic and gender participation in policy-making forums and bodies. The executive branch has submitted a proposal to the Congress of the Republic.

In terms of social and economic participation, fewer women than men have joined cooperatives, although their numbers have obviously increased, and women's participation in the production sectors that generate the most income and benefits in

agricultural cooperatives is very low. For example, in 1999 only 3,150 out of a total of 39,600 cooperative members were women.[12]

The Land Trust Fund promotes access to land through financial mechanisms to meet the current demand from nearly 60,000 families and formal applications from 531 groups representing 35,457 families. Between January 1998 and 31 March 2000, the Fund financed the purchase of land for 2,476 families totalling 13,408 hectares. Of the families for whom credit was approved, 271 (11 per cent) are headed by women. Credit totalling 84,054,667 quetzales was granted, plus an additional 24,860,000 quetzales in social compensation funds, coming mainly from national sources.

Property deeds for beneficiaries are issued in the name of both spouses or cohabiting heads of household, thereby protecting the rights of peasant women. It is also stipulated that women must be encouraged to participate, both as individuals and as members of organizations, in the Fund's projects.

The role of CONTIERRA is to intervene in and settle land disputes at the request of either party and to give advice and free legal assistance to peasants and/or their organizations in the event of lawsuits, performing specific functions within a legal framework of agrarian jurisdiction. In performing its functions, it encourages women to participate actively in defending their interests, mainly at the community level, thereby consolidating equality for women in an area which is vital to national development.

The land regularization process being carried out by the Ministry of Agriculture and the Guatemalan Institute for Agrarian Reform is limited by the availability of land. Approximately 10 per cent of the beneficiaries of land distribution were women.

The policy of giving priority to families living in poverty or extreme poverty includes cross-cutting programmes and projects on gender, multiculturalism, interculturalism, environment and risk.

2.6 Social and political participation and civil status of women

Under the Agreement on Social and Economic Aspects and the Agrarian Situation, the Government undertook to take women into account in its development strategies, plans and programmes, recognizing the equal rights of women and men in the home, in the workplace, in the production sector and in social and political life, ensuring that women have the same opportunities as men, particularly with regard to access to credit, land ownership, housing of their own and other resources, and eliminating the obstacles and impediments that affect women in relation to rental property, credit and construction. Naturally, efforts are being made to fulfil this commitment, but much remains to be done, both at the institutional level and as regards men's and women's own cultural conditioning.

There is a recognized need to guarantee women's right to organize and to participate, on the same terms as men, at the senior decision-making levels of local, regional and national institutions. In this regard, the Agreement refers to the need to

[12] *Guatemala: el rostro rural del desarrollo humano*. 1999 edition. United Nations systems in Guatemala.

revise some of the legal instruments that encourage such participation, providing as follows: "Promote a reform of the Urban and Rural Development Councils Act to broaden the range of sectors participating in departmental and regional development councils".

There has been progress in this area since a vigorous campaign was carried out in which women from various institutions and organizations initially presented a proposal to the Congress advocating participation by ethnic and other organized groups. The Congress is currently discussing a proposal that would revise the original one and which will be issued shortly. SEPREM provided input for this revised version.

According to a report by the Secretariat for Modernization and Decentralization, there are 127 women officials elected by political parties and civic committees.

In the 1999 elections, women accounted for 46.8 per cent of voters in the department of Guatemala, which had the highest percentage, followed by Zacapa, Escuintla and Jutiapa with around 40 per cent; the department with the lowest percentage was Alta Verapaz, with 18.4 per cent.[13]

Legislative Agreement No. 68-2000 urges the congressional committee on elections to give its opinion on the compatibility of the law with a more equitable approach to political participation by Guatemalan women.

Decree No. 7-99, containing the Act on Enhancing and Advancing the Status of Women, which was adopted by the Congress in March 1999, refers to the strengthening of women's participation at the senior decision-making level.

The National Women's Forum set up by Governmental Agreement No. 105-98 remains in force. The Forum is a pluralistic body set up under the Peace Agreements which guarantees the participation of women, with a view to promoting a process of consensus-building in development policies that is consistent with the international treaties ratified by Guatemala and with public policies.

International representation: women have the right and the opportunity to represent the Government at the international level. Currently, the State of Guatemala has four female ambassadors (10.8 per cent), four women consul-generals (30.8 per cent), one woman consul and 12 women vice-consuls. Out of 230 foreign service officials, 2.2 per cent are women. SEPREM represents the Government of Guatemala at the Inter-American Commission of Women (CIM), the Organization of American States and the United Nations.

In the Ministry of Foreign Affairs, there are currently 26 women occupying the following posts: vice-minister, chef de cabinet, adviser, director, deputy director and head of section or department.

The Ministry of the Economy employs a highly professional staff, with equal numbers of women and men.

In the general elections, 1,409 women were candidates for elected office. At the national level, there were two women candidates for President, two for Vice-President, 28 for member of the national Congress, 30 for member of the Central

[13] Supreme Electoral Tribunal.

American Parliament, 35 for alternate and 105 for councillor, giving a total of 202 candidates.

There were 50 women candidates for mayor and 152 for other positions.

In the department of Guatemala, there are 20 women elected officials at the municipal level: one mayor, three majority councillors and two alternates, and 11 minority councillors and three alternates. Nationwide, there are 127 women elected officials: three mayors, 16 majority councillors and seven alternates, and 71 minority councillors and 30 alternates.

The presence of women in peasant organizations in 2000 was as follows: 120 in the Committee for Peasant Unity (CUC), 170 in the National Coordinating Office of Indigenous Peasants (CONIC), 155 in Cooperation for Rural Development of the West (CDRO), 145 in the Coordinating Committee of Integrated Development Associations of the South-Western Region of Guatemala (CADIOSOGUA) and 145 in peasant associations.[14]

The Ministry of Foreign Affairs reports that, under the Guatemalan Nationality Act and the Convention on the Nationality of Married Women, a foreign woman may obtain Guatemalan nationality through marriage to a Guatemalan man. A Guatemalan woman's nationality is not affected by marriage to an alien or by her husband's change of nationality.

The Migration Act in Congressional Decree No. 95-98 characterizes trafficking in migrants as an offence and provides for coordination among governmental and non-governmental institutions for the protection of fundamental rights. Nevertheless, such trafficking is a frequent occurrence and exacerbates the problem of violations of migrants' rights. According to statistics from the Human Rights Office of Casa del Migrante, in the first half of the current year, complaints were lodged by 1,560 people and 1,926 violations of migrants' rights were detected.

Governmental Agreement No. 529-99 containing the implementing regulations for the Migration Act defines the structure and functions of the governmental bodies charged with implementing the Migration Act.

Decree No. 75-97, the Special Temporary Act on Personal Documentation, is applicable to uprooted Guatemalans both outside and inside the national territory: it permits the legal identification of persons uprooted by the armed conflict, allowing them fully to exercise their civil and political rights

[14] Ministry of Labour and Social Security.

Annexes

Table 1
Percentage of enrolled students successfully completing primary, general secondary and diversified secondary education

Level	*Year*	*%*
Primary	1999	30.13
Primary	2000	31.53
General secondary	1999	7.37
General secondary	2000	8.95
Diversified secondary	1999	10.02
Diversified secondary	2000	10.05

Source: Statistical Yearbooks, 1994-2000.

Table 2
Victims assisted under the PROPEVI programme from 1999 to 14 August 2001

Number of victims	*1999*	*2000*	*August 2001*	*Total*
Women	143	269	3 159	5 992
Men	33	1 072	701	1 806
Children	0	2 960	397	693
Adolescents	0	315	197	512
Adults	0	80	60	140
Disabled persons	0	0	7	7
Total	**176**	**4 453**	**4 521**	**9 150**

Table 3
Victims assisted through the family helpline from 1999 to 14 August 2001

Number of victims	*1999*	*2000*	*August 2001*	*Total*
Women	140	1 328	1 291	2 759
Men	22	177	223	422
Children	180	767	360	1 307
Adolescents	28	108	98	234
Adults	35	113	83	231
Disabled persons	3	0	9	12
Total	**408**	**2 493**	**2 064**	**4 965**

Source: SOSEP, PROPEVI.

Table 4
Gender breakdown of civil servants by government entity
May 2001

Entity	*Total*	*Women*	*Men*	*% women*	*% men*
Total	**109 751**	**49 473**	**60 278**	**45.1**	**54.9**
Office of the President of the Republic	269	60	209	22.3	71.7
Ministries:					
Foreign Affairs	418	162	256	38.8	61.2
Interior	21 726	2 180	19 546	10.0	90.0
Public Finance	1 050	358	692	34.1	65.9
Education	58 716	3 341	25 075	57.3	42.7
Public Health and Social Welfare	18 482	10 336	8 146	56.9	44.1
Labour and Social Security	745	276	469	37.0	63.0
Economy	366	137	229	32.5	62.5
Agriculture and Food	492	125	367	25.4	74.6
Communications and Infrastructure	3 271	356	2 915	10.9	89.1
Energy and Mines	299	104	195	34.8	85.2
Culture and Sports	829	229	600	27.6	72.4
Environment and Natural Resources	58	23	35	39.7	60.3
Secretariats and other units	2 045	1 092	953	57.4	46.6
Comptroller's Office	837	334	503	39.7	60.3
Attorney-General's Office	148	60	88	40.5	59.5

Source: National Civil Service Office.

Table 5
Women candidates in the 1999 elections

Women candidates for elected office	*No.*
President	2
Vice-President	2
Member of the national Congress	28
Member of the Central American Parliament	30
Member of Congress representing districts	105
Mayor	50
First Majority Councillor	63
Second Majority Councillor	90
Third Majority Councillor	6
Alternate Majority Councillor	94
First Councillor	70
Second Councillor	126
Third Councillor	164
Fourth Councillor	146
Fifth Councillor	83
Sixth Councillor	22
Seventh Councillor	17
Eighth Councillor	12
Ninth Councillor	9
Tenth Councillor	10
First Alternate Councillor	139
Second Alternate Councillor	76
Third Alternate Councillor	22
Fourth Alternate Councillor	8
Total	**1 409**

Source: Supreme Electoral Tribunal.

Table 6
Guatemalans living in the United States, by state

State	*Percentage*
California	64
New York	12
Illinois	7
Florida	5
Texas	4
Georgia	3
Oregon	2
Other	3

Source: Economic Commission for Latin America and the Caribbean (ECLAC), United States Immigration and Naturalization Service (INS), United Nations, World Bank, 2000.

Table 7
Guatemala: migrant population living in the United States, by department of origin, 1999

Department	*Percentage*
Huehuetenango	23
San Marcos	18
Quetzaltenango	14
Retalhuleu	12
Suchitepéquez	10
Chiquimula	9
Santa Rosa	8
El Progreso	6

Source: ECLAC document, January 2000.

Table 8
Breakdown of family members who migrate from communities of origin to the southern coast

Seasonal migrants	*Percentage*
Head of family	31.3
Spouse	17.1
Sons	22.7
Daughters	26.9
Other family members	2.0

Source: Ministry of Public Health and Social Welfare (MSPAG), Guatemalan Social Security Institute (IGSS), Pan American Health Organization/World Health Organization (PAHO/WHO), 1998:61.

Age group (years)	*Percentage*
0-9	24.7
10-19	23.6
20-29	23.6
30-39	14.2
40-49	9.2
50-59	3.2
60 and over	1.5

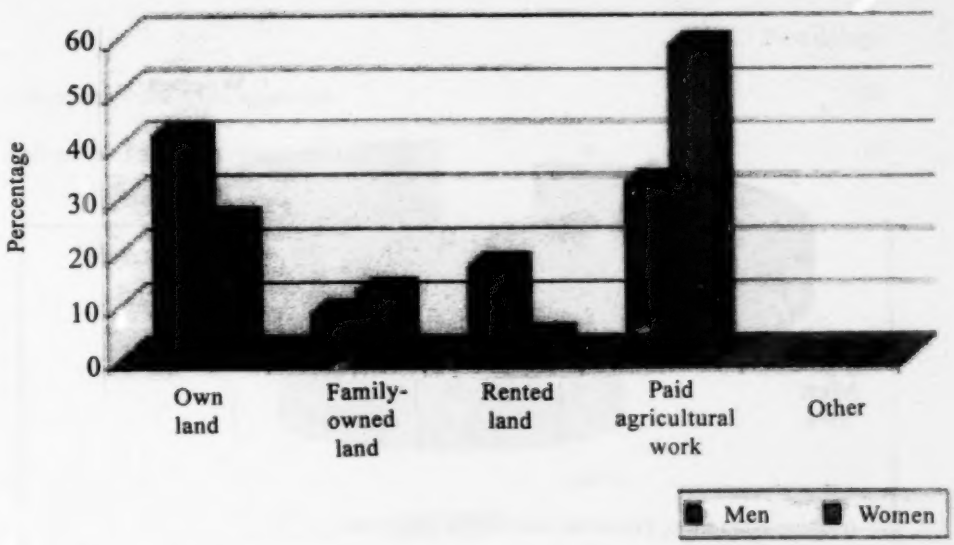
Source: MSPAG, IGSS, PAHO/WHO, 1998.

Table 9
Department of origin of migrants to the southern coast

Department of origin	*Percentage of migrants*
Quiché	69.6
Baja Verapaz	9.7
Chimaltenango	3.0
Sacatepéquez	2.5
Suchitépequez	2.5
Totonicapán	1.7
San Marcos	1.7
Huehuetenango	1.3
Quetzaltenango	1.3
Nine other departments	4.0
Not reported	2.7

Source: MSPAG, IGSS, PAHO/WHO, 1998:66.

Chart 1
Guatemala: Forms of access to agricultural land, 1998 to 1999



Source: National Statistical Institute (INE). National Survey of Household Incomes and Expenditures, 1998/99.

Chart 2
Credits granted by the Banco Crédito Hipotecario Nacional, Guatemala, 2000

Source: Economic, Financial and Credit Analysis.

Chart 3
Housing programme for uprooted and demobilized population groups

	No.	Percentage
Number of subsidies approved	5 748	100
Number of subsidies for women	529	11

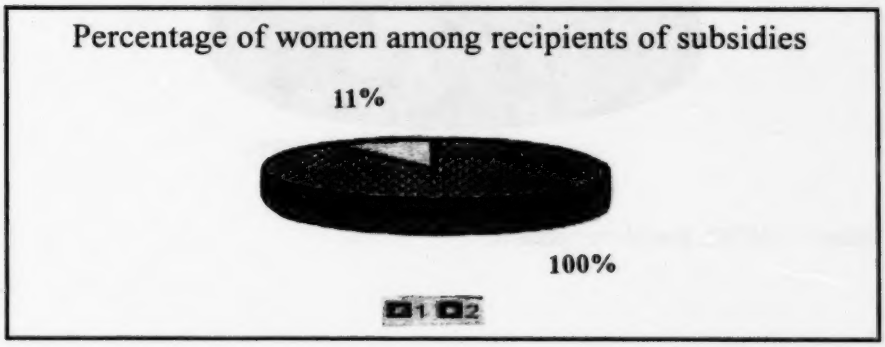


Chart 4
Women and men who received Hurricane Mitch project subsidies

Total women: 1,960
Total men: 857

Source: MICM. Social component.